

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL.**

Criminal Misc. Application No. 835 of 2005

1. Ramveer Singh S/o Sonpal Singh
Tube Well Operator,
R/o Pratappur No. 7
P.S. Nanakmatta
District Udham Singh Nagar
 2. Jaiveer Singh S/o Sonpal Singh
R/o Police Line Mathura (U.P.)
 3. Lokendra Kumar S/o Ranveer Singh
R/o Pratappur No. 7
P.S. Nanakmatta
District Udham Singh Nagar
 4. Santosh Kumar S/o Mohan Lal
R/o Sungarhi, P.S. & District
Pilibhit (U.P.)
 5. Vikram Singh @ Vikky S/o Chandan Singh
 6. Chanan Singh S/o Karam Singh
 7. Kakka Singh S/o Arjun Singh
 8. Jarnail Singh S/o Shankar Singh
Applicants No. 5 to 8 are R/o Pratappur No. 7
P.S. Nanakmatta
District Udham Singh Nagar
- ...Applicants

Versus

1. State of Uttaranchal
 2. Smt. Punam W/o Gurmej Singh
R/o Gurunanakpura, P.S. Sahabad
District Raipur
Presently R/o Bhadaipura
Ward No. 4
P.S. Rudrapur
District Udham Singh Nagar
- ...Respondents

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioners for quashing the criminal proceedings in Criminal Case No. 601 of 2005 Smt. Punam Vs Ranveer Singh & others under Section 147, 148, 323, 452, 504, 506 of I.P.C. pending in the court of IInd Additional

Civil Judge (J.D.)/Judicial Magistrate, Rudrapur, District Udham Singh Nagar.

Brief facts giving rise to this petition are that the opposite party No. 2 – Smt. Punam filed a complaint before the court of Chief Judicial Magistrate under Section 147, 148, 323, 452, 504, 506 I.P.C. alleging therein that she was in love with Gurmaj Singh and subsequently she married with him on 07.09.2005 according to Hindu Rights at Arya Samaj Mandir. It was further alleged that the petitioner No. 1 had not accepted this marriage for which he along with certain other persons came into the village of opposite party No.2 and committed *marpit* with her and her husband Gurmaj Singh.

After lodging the complaint, opposite party No.2 got her examined under Section 200 Cr.P.C. She has also examined her witnesses, namely, Gurmej Singh and Haripad Goldar.

Learned Magistrate, after having heard learned counsel for the complainant and perusing the evidence on record was pleased to summon the petitioners vide order dated 30.09.2005.

Feeling aggrieved by the aforesaid impugned order, this petition has been filed by the petitioners for quashing the criminal proceedings pending before the court below.

Heard learned counsel for the petitioners and perused the record.

Learned counsel for the petitioners has submitted that the complaint which has been filed by the opposite party No.2 is baseless and frivolous. It is also submitted that the complaint is a counter blast to the report made by the petitioner No.1 and the other persons of the village to the police concerned.

Having considered the arguments advanced by the learned counsel for the petitioners, I am of the view that the arguments are devoid of any force.

The report of the petitioner No.1 to the police has been annexed as Annexure No.6 to this petition and this report is dated 28.10.2005 while the complaint of opposite party No.2 has been filed before the court

concerned against the petitioners on 14.09.2005 which is earlier to the report of the petitioner No. 1.

The contention raised by the learned counsel for the petitioners relate to the factual aspect of the matter and that can be examined and assessed by the trial court. I am not suppose to give a premature decision in a case wherein the entire facts are extremely incomplete and hazy, more so when the evidence has not been colleted and produced before the court and the issues involved whether factual or legal are the great magnitude and cannot be seen in their true perspective without sufficient material.

I do not find any special feature in this case to say that it is not expedient and not in the interest of justice to permit the prosecution to continue.

I do not find any substance in the argument advanced by the learned counsel for the petitioners.

I do not find any abuse of process of court, which may call for any interference by way of exercising the inherent power under Section 482 Cr.P.C.

Accordingly, the petition under Section 482 Cr.P.C. is dismissed in limine.

(B.C. Kandpal, J.)

25.11.2005

ASWAL